

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
Clerk's Minutes
Before the Honorable Judith C. Herrera**

USA v. Jarvis, et al. Case No. 05-1849 JH

Date: October 11, 2007

Courtroom Clerk: Lincoln Sorrell Court Reporter: Paul Baca

Court in Session: 1:39 p.m./2:08 p.m. (29 mins.) Court in Recess:

Type of Proceeding: Status conference (defendants not present)

Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s):

James Braun

Jody-Neal Post (Dana Jarvis)

Steve Kotz

Scott Davidson (Dana Jarvis, others)

Bill Blackburn (Greg Hill)

Victor Sizemore (Bill Jones)

Robert Gorence (Dennis Wilson)

Walter Nash (by phone) (David Reid)

Proceedings:

Court in Session:

1:39 p.m. Court in session; Court asks attorneys to get together to tender proposed case management dates and trial date. A number of motions are pending and some may be moot, so please get together and let court know which matters are moot and which are still at issue. Let court know if any need immediate attention. Court will issue an order to release lis pendens. Order lifting stay will also be entered as to entire case.

1:44 pm. Gorence: Clarification: is court contemplating period of time after release of lis pendens for D. Jarvis to engage private counsel since property will be unencumbered? Braun: There should be deadline to force the issue of D. Jarvis' representation. Gorence: Difficult to appoint one defense attorney to speak for all re: scheduling. Court: Will set trial date.

1:48 p.m. Neal-Post: Romero's orders for Cuba (out 12-17-07 to 1-2009) still in place. Wants to wait until motion to dismiss decided before deciding whether Romero will withdraw.

1:49 p.m. Court to Neal-Post: First order of business decision on motion to dismiss? Neal-Post: seems most economical sequence.

1:50 p.m. Court: will set hearing on the motion to dismiss.

1:51 p.m. Gorence: Attorney for Jarvis has served him with papers. This issue will have to be taken up at time of motion to dismiss hearing.

1:53 p.m. Braun: contact court re: scheduling? Court: contact each other as to hearing dates and pending motions and we will set trial date.

- 1:54 p.m.** Blackburn: new to case. Seems the issue of Gorence's representation and motion to dismiss should be addressed first before dates are set. What is Court's thoughts on trial date? Court: ready to set trial as soon as possible but wants to be realistic. Early November for hearing on the motion to dismiss.
- 1:58 p.m.** Sizemore: Also new to case. Going through discovery.
- 1:59 p.m.** Nash: Should we set another status conference after ruling on motion to dismiss, about a month afterward? Braun: sounds sensible.
- 2:03 p.m.** Court: scheduling of motion to dismiss would probably be scheduled on Nov. 19 or Nov. 20. Date works for Gorence, Blackburn, and Neal-Post; don't know re: Romero's schedule. Neal-Post: May seek a special master on Mr. Gorence's representation/participation issue. Nash: Nov. 19 bad for him. Court: we'll shoot for Nov. 20 in the afternoon.
- 2:07 p.m. Gorence: Evidence to be presented? Braun: Yes.
- 2:08 p.m. Court in recess.